

REMARKS

Claims 1, 2, 4-11, and 13-23 are pending in the application, and stand rejected.

Rejection under 35 U.S.C. §112, first paragraph

Claims 21-23 were rejected in the Office Action under 35 U.S.C. §112, first paragraph, as lacking support for the limitation that the loading bin contains a mixer. Applicants respectfully traverse this rejection and request reconsideration.

Applicants refer to the first full paragraph of page 12, which provides that in addition to the valve 60 between silo 24 and conduits 30 which controls the amount of PCR mixed with the VPET, any suitable mixing device that uniformly mixes the VPET and PCR can be used. The paragraph goes on to explain that preferably a rotary air lock valve or a dry solids mixing screw is employed, and that the conduits could (also) aid in the mixing by using specially configured and/or treated transfer lines or internal blend tubes, either side or bottom mounted. The paragraph concludes by stating that the loading bin could also contain an "additional mixer" as is conventional in certain silos and containers.

Thus, taken in context, the paragraph provides that in addition to the mixers first described, the loading bin could also contain an "additional mixer." That is, the loading bin could contain a mixer, and if the loading bin did contain a mixer, this would be in addition to the mixers described earlier in the same paragraph. Applicants therefore respectfully submit that support for an optional mixer in the loading bin, as recited in dependent claims 21-23, is clearly set forth in the specification, and therefore respectfully request that the rejection under 35 U.S.C. §112 be withdrawn.

Rejections under 35 U.S.C. § 103(a)

Claims 1, 2, 6, 10, 11, 13, 15, and 19 were rejected in the Office Action under 35 U.S.C. §103(a) as being unpatentable over Harvey, U.S. Pat. No. 3,700,140, taken with Nichols et al., U.S. Pat. No. 5,876,644. Applicants respectfully traverse this rejection and request reconsideration.

Applicants respectfully note that Claim 1 relates in part to " . . . selectively dispensing . . . to form a uniform blend of materials . . . ", and to " transporting at least a portion of the blend in the conduit to the bulk-container for delivery to an end user." Claims 10 and 20 also refer to a "uniform blend" of materials. Claim 20 also refers to " transporting at least a portion of the blend in the conduit to the loading bin and into a bulk-container for delivery to an end user."

As noted, Harvey neither discloses nor suggests selectively dispensing *to form a uniform blend of materials*, nor indeed, has the reference been asserted to so disclose or suggest. Harvey instead provides, in column 2, lines 52-55, that "Such a system could be employed for example in metering of catalyst and catalyst diluent to a reactor tube *to obtain a predetermined catalyst concentration profile.*" Emphasis added. If the rejection is asserting that the system of Harvey *could be employed* to form a uniform blend of materials, Applicants respectfully request that the rejection state the basis for this assertion. It is acknowledged in the Office Action that Nichols et al. "fails to specifically teach the method or system used to accomplish the blending." Applicants respectfully submit that Harvey likewise lacks such a teaching, and that the rejection with respect to claims 1, 10, and 20, and those that depend from them, are therefore overcome for at least this reason.

As noted, Nichols et al. relates to polyester manufacture, and primarily to melt blending a melt of post-consumer polyester with a melt of virgin polyester prepolymer, solidifying and pelletizing the blended melt while the virgin polyester prepolymer remains as

prepolymer, and thereafter polymerizing the solid blended pellets in the solid state. See, for example, the Abstract. Similarly, in the cited portion of Nichols et al. relating to a blend of pellets, col.5 lines 25 et seq., the pellets are likewise comprised of prepolymers, since they also must afterward be subject to solid state polymerization, col. 5 lines 33-36, to produce fully polymerized polyester pellets. Nichols et al. therefore does not relate to blends of virgin polyethylene terephthalate polymer and post-consumer recycled PET, but rather to blends of prepolymers that must afterward be solid-stated prior to use.

Because the pellets of Nichols et al. are not yet fully polymerized, there is no teaching or suggestion of providing a bulk container for delivery of the blend to an end user, nor is there any suggestion that the blend of Nichols et al. is suitable for transporting at least a portion of the blend in the conduit to the bulk-container for delivery to an end user, since it is not yet fully polymerized. Thus contrary to the present invention related to blending bulk quantities shortly before or at the time they are to be transported, the cited portion of Nichols et al. relates instead to a single step in the manufacturing of polyesters polymers than include recycled material. The rejection as applied to claim 1, and as it might be applied to claim 20 is thus overcome for at least this reason. Applicants therefore respectfully submit that the rejection based on Harvey taken with Nichols et al. is overcome, and respectfully request that the rejection be withdrawn.

Claims 1, 2, 6-11, 13, and 15-20 were rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Powers et al., U. S. Pat. No. 6,403, 748, taken with Nichols et al., as above. Applicants respectfully traverse this rejection and request reconsideration.

The deficiencies of Nichols et al. have been noted above, as have some of the deficiencies of Powers et al, in a previous response. Applicants note especially that Powers et al. is not seen to clearly provide the loading bin of the invention, as recited in

Application No. 10/664,727
Amendment dated May 17, 2006
Reply to Office action dated January 25, 2006

71601

claims 7, 16, and 20, and especially one containing its own mixer, as provided in new claims 21-23, support for which has been clearly shown herein. For at least this reason, Applicants respectfully submit that the rejection based on Powers et al. taken with Nichols et al. is overcome, and respectfully request that it be withdrawn.

Claims 5 and 14 were rejected in the Office Action under 35 U.S.C. §103(a) as being unpatentable over Harvey taken with Nichols et al., as applied to claims 1 and 10, and further in view of Schmidt et al., U.S. Pat. No. 5,952,066. Applicants respectfully traverse this rejection and request reconsideration.

Because claims 1 and 10 are seen to be clearly patentable in view of Harvey taken with Nichols et al., for reasons given above, Applicants respectfully submit that the rejection is overcome for at least this reason.

Claims 5 and 14 were rejected in the Office Action under 35 U.S.C. §103(a) as being unpatentable over Harvey taken with Nichols et al., as applied to claims 1 and 10, and further in view of Moller, U.S. Pat. No. 5,110,521. However, this rejection appears to nonetheless have been withdrawn, the arguments with respect to claims 5 and 14 appearing instead to relate to the Schmidt document.

In light of the foregoing, Applicants believe the application to be in condition for allowance. Accordingly, the Examiner is respectfully requested to remove all rejections and pass the application to issuance.

Application No. 10/664,727
Amendment dated May 17, 2006
Reply to Office action dated January 25, 2006

71601

Respectfully submitted,



Michael K. Carrier
Registration No. 42,391

17 May 2006
Date

Eastman Chemical Company
P.O. Box 511
Kingsport, Tennessee 37662
Phone: (423) 229-4016
FAX: (423) 229-1239

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, VA 22313-1450.

Jodi L. Owenby
Jodi L. Owenby

May 17 2006
Date